

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINARECEIVED
USDC, CLERK, CHARLESTON, SC

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Timothy Lavar VanDerHorst,

Plaintiff,

v.

Paul Egger,

Defendant.

Civil Action No. 0:10-1537-SB

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint filed pursuant to 42 U.S.C. § 1983. The record contains a report and recommendation ("R&R") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and the local rules for this district.

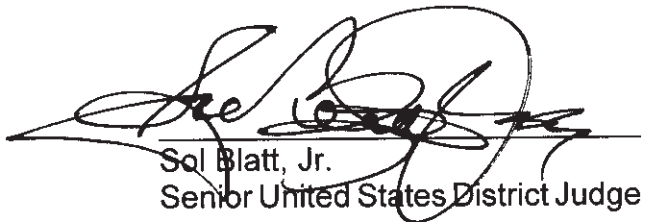
On September 23, 2010, the Defendant filed a motion to dismiss based on the Plaintiff's alleged failure to keep the Clerk of Court updated with his current address. Subsequently, the Court advised the Plaintiff of the dismissal and summary judgment procedures and instructed him to respond to the Defendant's motion. On October 1, 2010, however, the Court's order was returned as undeliverable. The Court issued a second order instructing the Plaintiff to file a response within seven days, and the Plaintiff did so. Therefore, on February 10, 2011, the Magistrate Judge issued an R&R recommending that the Court deny the Defendant's motion to dismiss in light of the Plaintiff's recent filing. Attached to the R&R was a notice advising the parties of the right to file specific, written objections to the R&R within 14 days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to

review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because no objections have been filed, there are no portions of the R&R of which the Court must conduct a de novo review. After a review of the record, the Court agrees with the Magistrate Judge's recommendation, and it is hereby

ORDERED that the R&R (Entry 52) is adopted, and the Defendant's motion to dismiss (Entry 29) is denied.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

March 4, 2011
Charleston, South Carolina

